

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 24, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY M. HANNUM,

Defendant.

No. 2:04-CR-00064-MKD

ORDER DENYING DEFENDANT'S
LETTER REQUEST TO VACATE
CONVICTION

ECF No. 142

Before the Court is Defendant Jeremy M. Hannum's one-page letter which "moves the court for entry of an order vacating [his] conviction for 18 U.S.C. § 922(g)(1), Felon in Possession of a Firearm." ECF No. 142 at 1. Defendant cites an Opinion issued May 9, 2024, in *United States v. Duarte*, No. 22-50048 (9th Cir.). He argues that "[t]his opinion invalidates my conviction for violation of 18 U.S.C. § 922(g)(1)." ECF No. 142 at 1.

Mr. Hannum cites no procedural basis for the request. The Clerk's Office has noted the letter as a motion pursuant to 28 U.S.C. § 2255. The Court declines to construe the letter as such a motion, as such motions are available to "prisoner[s]"

1 in custody under sentence of a court established by Act of Congress.” 28 U.S.C. §
2 2255(a). Defendant does not appear to be in custody. *See* ECF No. 142 at 2; ECF
3 No. 138 (Revocation Judgment entered June 20, 2013, for imprisonment of one
4 year and one day with credit for time served).

5 Finally, the Ninth Circuit Opinion in *Duarte* that Defendant offers to suggest
6 his conviction should be invalidated has been vacated. *See* Order, No. 22-50048
7 (9th Cir. July 17, 2024), ECF No. 81.

8 Accordingly, **IT IS HEREBY ORDERED:**

9 1. The Motion within Defendant’s Letter filed at **ECF No. 142**, is
10 **DENIED.**

11 2. This Order shall not be read to foreclose or prejudice any future
12 motion made to challenge Defendant’s conviction on constitutional grounds.

13 **IT IS SO ORDERED.** The Clerk’s Office is directed to enter this Order
14 and provide copies to the United States, Defendant Jeremy M. Hannum, and the
15 U.S. Probation Office.

16 DATED July 24, 2024.

17 s/Mary K. Dimke
18 MARY K. DIMKE
19 UNITED STATES DISTRICT JUDGE
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